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ACTION EAP-00

INFO	LOG-00	NP-00	AID-00	ACQ-00	CIAE-00	SRPP-00	DS-00
	OIGO-00	FBIE-00	UTED-00	VC-00	HHS-01	TEDE-00	INR-00
	IO-00	L-00	VCE-00	NSAE-00	OIC-02	IRM-00	SS-00
	TEST-00	USIE-00	IIP-00	DSCC-00	PRM-01	DRL-02	NFAT-00
	SAS-00	/006W					

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FM AMEMBASSY HANOI
TO SECSTATE WASHDC 3571
INFO AMCONSUL HO CHI MINH CITY
ASEAN COLLECTIVE
SECDEF WASHDC
USMISSION GENEVA

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SIPDIS

STATE FOR EAP/BCLTV AND PRM
GENEVA FOR RMA

E.O. 12958: N/A
TAGS: [PREF](#) [PGOV](#) [PREL](#) [PHUM](#) [VM](#) [UNHCR](#) [ETMIN](#) [HUMANR](#)
SUBJECT: VIETNAM DENIES UNHCR ACCESS TO HIGHLANDS

REF: PHNOM PENH 1267 AND PREVIOUS

SUMMARY

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[¶1.](#) VIETNAM HAS DENIED UNHCR ACCESS TO CENTRAL HIGHLAND PROVINCES, PREVENTING UNHCR FROM LAUNCHING VOLUNTARY REPATRIATION OF HIGHLANDS RESIDENTS WHO HAVE FLED TO CAMBODIA. UNHCR WILL NOW CONSIDER LONGER-TERM MEASURES FOR THE DISPLACED POPULATIONS IN RATTANAKIRI AND MONDOLAKIRI.
END SUMMARY.

[¶2.](#) ON JULY 27, UN HIGH COMMISSION FOR REFUGEES (UNHCR) REGIONAL REPRESENTATIVE JAHANSHAH ASSADI TOLD FOREIGN EMBASSY REPRESENTATIVES IN HANOI THAT VIETNAM HAD REFUSED UNHCR EVEN LIMITED ACCESS TO VIETNAM'S CENTRAL HIGHLANDS IN ADVANCE OF PROPOSED VOLUNTARY REPATRIATION OF VIETNAMESE WHO HAVE FLED TO CAMBODIA SINCE DISTURBANCES EARLIER IN THE YEAR. DURING JUST-COMPLETED TRIPARTITE TALKS WITH VIETNAM AND CAMBODIA, IN A DRAFT AGREEMENT VIETNAM AGREED TO ALLOW UNHCR ACCESS TO RETURNEES AFTER THEIR RETURN, BUT UNHCR WOULD REQUIRE ACCESS TO FIRST SURVEY THE HOME AREAS OF THOSE WHO FLED, THEN TO MONITOR THEIR TREATMENT UPON THEIR RETURN, BEFORE LAUNCHING A VOLUNTARY REPATRIATION PROGRAM. IT WAS UNCLEAR WHETHER VIETNAM WOULD ALLOW UNHCR TO ACCOMPANY RETURNEES FROM CAMBODIA TO VIETNAM. UNHCR HAD BEEN "FLEXIBLE", SUGGESTING VISITS TO CERTAIN, "EASTER" AREAS FIRST, AT A TIME TO BE CHOSEN BY THE VIETNAMESE, BUT STILL HAD NO SUCCESS IN GETTING HANOI'S APPROVAL FOR THESE STEPS.

[¶3.](#) AS A RESULT, UNHCR MAY NOW HAVE TO REVISE ITS PLANNING IN CAMBODIA, SHIFTING FROM SHORT-TERM MEASURES TO PROVIDE FOOD AND SHELTER TO THE DISPLACED PERSONS, TO LONGER-TERM MEASURES.

[¶4.](#) ASKED TO SPECULATE WHY VIETNAM DENIED ACCESS, ASSADI SAID
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HE GUessed THERE WERE REAL PROBLEMS IN SOME AREAS, AND THAT ALLOWING UNHCR IN COULD BE SEEN AS INTERNATIONALIZING A LOCAL SITUATION. HE OBSERVED THAT THE INTERAGENCY VIETNAMESE DELEGATION TO THE TRIPARTITE TALKS HAD DEMONSTRATED SOME DIVISION OF OPINION; HE FELT THE OBJECTIONS HAD COME FROM THE MINISTRY OF PUBLIC SECURITY, WHILE THE MFA DID NOT APPEAR TO POSE PROBLEMS WITH THE UNHCR PROPOSALS. ASSADI SAID HE HAD NOT OBSERVED THE CAMBODIANS PRESSING THE VIETNAMESE TO BE FLEXIBLE ON THE QUESTION OF ACCESS FOR THE UNHCR. HE CHARACTERIZED THE CAMBODIANS AS BEING LARGELY QUIESCENT IN THE DISCUSSIONS BUT FELT THAT ALL PARTICIPANTS HAD BEEN FRANK IN THEIR COMMENTS.

[¶5.](#) ASSADI SAID UNHCR WAS CONCERNED THAT THIS OUTCOME OF THE TRIPARTITE TALKS COULD STIMULATE NEW DEPARTURES FROM VIETNAM, AS INDIVIDUALS IN VIETNAM CAME TO UNDERSTAND THAT THEY WOULD NOT IMMEDIATELY BE RETURNED HOME IF THEY MADE IT TO CAMBODIA. UNTIL THIS POINT, ASSADI BELIEVES, THE FACT

THERE WERE TALKS ABOUT A POTENTIAL VOLUNTARY REPATRIATION PROGRAM MAY HAVE DISCOURAGED SOME DEPARTURES FOR CAMBODIA.

16. DESPITE THE DENIAL OF ACCESS, ASSADI SAID POSITIVE OUTCOMES OF THE TRIPARTITE TALKS INCLUDED THE FACT THAT THEY TOOK PLACE AT ALL; THAT THE TWO GOVERNMENTS ACKNOWLEDGED A UNHCR ROLE; THAT ALL PARTICIPANTS AGREED TO REMAIN IN COMMUNICATION ON THE ISSUES; AND THAT VIETNAM ALLOWED THE MEETING TO TAKE PLACE IN VIETNAM. ASSADI FELT UNCHR MAY HAVE ENHANCED ITS CREDIBILITY WITH THE TWO GOVERNMENTS BY DEMONSTRATING COMMITMENT TO SOLUTIONS AND NOT ONLY TO PROTECTION OF DISPLACED PERSONS.

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17. ASSADI REPORTED THAT THE PREVIOUS ROUND OF TRIPARTITE TALKS HAD RESULTED IN A NON-PAPER OUTLINING AN AGREED FRAMEWORK FOR REPATRIATION. THE FRAMEWORK WOULD ALLOW UNHCR TO PROVIDE LOGISTICAL SUPPORT, REINTEGRATION ASSISTANCE FOR RETURNEES AND ASSISTANCE TO AFFECTED COMMUNITIES, TO SUPPORT THE REPATRIATION. BASED ON THE NON-PAPER, UNHCR HAD THOUGHT IT WAS NEAR SECURING AGREEMENT ON ACCESS.

18. ASSADI ACKNOWLEDGED CRITICISM OF UNHCR'S APPROACH TO THE CURRENT POPULATION OF DISPLACED VIETNAMESE IN CAMBODIA. (CRITICS ARGUED THE UNHCR WAS NOT LIKELY TO BE GRANTED ACCESS TO THE CENTRAL HIGHLANDS, AND SO SHOULD NOT HAVE PROCEEDED WITH SCREENING OF THESE PEOPLE FOR REFUGEE STATUS.) THERE ARE 315 "PERSONS OF CONCERN" PRESENTLY IN CAMBODIA, ASSADI REPORTED, OF WHICH 60 ARE IN RATTANAKIRI AND THE REST IN MONDOLKIRI. SOME 70-80 HAVE BEEN SCREENED OUT, DESPITE UNHCR'S HAVING APPLIED LIBERAL CRITERIA AND GIVEN APPLICANTS FOR REFUGEE STATUS BENEFIT OF THE DOUBT. HE STATED UNHCR IS NEITHER TRYING TO KEEP NUMBERS OF PERSONS GRANTED REFUGEE STATUS LOW, NOR APPLYING POLITICAL CRITERIA TO THE CASELOAD. THAT SAID, HE ACKNOWLEDGED THAT CRITICS ARGUE UNHCR CANNOT KNOW THE SITUATION IN THE HOME REGIONS OF THE APPLICANTS AND SO CANNOT REALISTICALLY ADJUDICATE APPLICATIONS. (AS RECENT REFTELS FROM PHNOM PENH INDICATE, THE UNHCR HAS APPARENTLY AGREED TO RE-EXAMINE THE CASES AND NOT SIMPLY ASSUME THESE PEOPLE WILL OR SHOULD GO BACK TO VIETNAM NOW.)

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19. ASSADI SAID THAT APPLICANTS ARE SCREENED ON A ROLLING BASIS. MOST OF THESE SCREENED-OUT IMMEDIATELY LEFT THE CAMPS IN CAMBODIA ON THEIR OWN. UNHCR NEITHER COUNSELS THEM ABOUT RETURNING TO VIETNAM NOR ASKS THEM WHERE THEY PLAN TO GO, DUE TO THE PRESENCE OF CAMBODIAN OFFICIALS AT INTERVIEWS. AND, AS FAR AS THE UNHCR KNEW, NONE WERE IMMEDIATELY ROUNDED UP BY THE LOCAL AUTHORITIES. ASSADI SPECULATED MOST WOULD SIMPLY FADE INTO THE HOUSES OF FRIENDS AND/OR THE JUNGLES.

10. ASSADI REPORTED THAT THE PROFILE OF NEW ARRIVALS FROM VIETNAM CONTINUES TO INCLUDE BOTH MORE POLITICIZED INDIVIDUALS AND PEASANTS. SEVENTY PERCENT ARE MALE. RATTANAKIRI HAS 55 MEN AND SEVEN WOMEN, ALL BUT SIX FROM GIA LAI, ESPECIALLY CHU PA DISTRICT; THE OTHER SIX ARE FROM DAK LAK. MONDOLKIRI HAS 179 MEN, 72 WOMEN, ALL FROM DAK LAK, ESPECIALLY BAN ME THUOT, DAK MIL AND DAK MONG DISTRICTS, EXCEPT FOUR PEOPLE FROM GIA LAI AND TWO FROM LAM DONG. BOTH CAMPS HAVE A MIX OF FAMILIES AND SINGLE MALES.

11. ASKED WHAT THE ATTITUDE OF THE DISPLACED PERSONS WAS TOWARDS VOLUNTARY REPATRIATION, ASSADI'S FIELD STAFF FROM CAMBODIA REPORTED THAT NO ONE AT EITHER RATTANAKIRI NOR MONDOLKIRI WAS INTERESTED IN BEING RESETTLED IN A THIRD COUNTRY. MORE RECENTLY, CAMP RESIDENTS HAVE BEGUN TO MENTION HAVING RELATIVES ABROAD, BUT NONE APPEARS FOCUSED ON LEAVING TO JOIN THEM. THE OTHER STAFFER CONCURRED WITH THAT FINDING, ON THE BASIS OF HAVING MET ALL THE CAMP RESIDENTS DURING MORE THAN TWO WEEKS IN BOTH FACILITIES. RESIDENTS DO NOT SEEK RESETTLEMENT, HE SAID, FOR IT WOULD MEAN NEVER

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AGAIN HAVING CONTACT WITH FAMILY LEFT BEHIND, AND LOSING THEIR IDENTITY. HE SAID HE BELIEVED MOST RESIDENTS WOULD CONSIDER VOLUNTARY REPATRIATION IF UNHCR WERE FIRST ABLE TO VISIT THEIR HOME AREAS. THE RESIDENTS HE MET HAD LEFT VIETNAM TO LET THE WORLD KNOW ABOUT THE SITUATION IN THE CENTRAL HIGHLANDS, HE SAID, BUT WANTED TO RETURN TO THEIR HOMES.

12. ASKED WHAT UNHCR'S NEXT STEPS WOULD BE, ASSADI REPORTED THAT THE AGENCY WOULD ADJUST ITS CAMBODIA SCOPE OF WORK TOWARDS A LONGER-TERM FOCUS. CONCERN WOULD ARISE ABOUT THIS APPROACH RESULTING IN "INSTITUTIONALIZATION" OF THE SITUATION, AND THE CREATION OF QUASI-PERMANENT CAMPS, SOMETHING BOTH THE CAMBODIANS AND VIETNAMESE APPEARED AT THE TRIPARTITE TALKS TO WANT TO AVOID.

¶13. CHARGE ASKED FOR ASSADI'S COMMENT ON REPORTS THAT THERE ARE MORE INTERNALLY DISPLACED PERSONS AS WELL AS DISPLACED PERSON IN CAMBODIA BEYOND THE ONES WHO HAD SOUGHT UNHCR'S HELP. ASSADI'S STAFF ANSWERED THAT, WHILE CITING ANY SET NUMBER OF PEOPLE IN THAT SITUATION WOULD BE SPECULATION, THE NUMBER WHO HAVE LEFT HOME IN VIETNAM CERTAINLY IS LARGER THAN THE NUMBER WHO HAVE APPROACHED UNHCR. WHILE PERSONS OF CONCERN TO UNHCR HAVE MENTIONED OTHER SMALL GROUPS THAT HAVE LEFT VIETNAM, UNHCR HAS NO REPORTS OF LARGER NUMBERS. GENERALLY, UNHCR HEARS OF NEW DEPARTURES WITHIN A WEEK OF THEIR ARRIVAL IN CAMBODIA, THEY SAID.

¶14. CHARGE INFORMED THE GROUP ABOUT AMBASSADOR PETERSON'S EARLY-JULY VISIT TO THE HIGHLANDS, DURING WHICH AUTHORITIES BLOCKED HIM FROM VISITING GIA LAI. THE AMBASSADOR HAD

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CONCLUDED THAT RELIGION WAS NOT A FUNDAMENTAL CAUSE OF THE DISTURBANCES, THAT THE GOVERNMENT OF VIETNAM APPEARED TO RECOGNIZE THE REAL PROBLEMS AND LONG NEGLECT OF THE AREA IN BOTH DAK LAK AND LAM DONG PROVINCES BUT NOT IN GIA LAI.

¶15. ASSADI REPORTED THAT THE VIETNAMESE DELEGATION TO THE TRIPARTITE TALKS HAD GONE TO LENGTHS TO ENSURE THE DRAFT TEXT OF THE AGREEMENT REFLECTED THEIR GOVERNMENT'S EFFORTS TO IMPROVE THE SITUATION IN THE HIGHLANDS. THEY ALSO EXPRESSED GRATITUDE FOR UNHCR'S WILLINGNESS TO HELP. CHARGE NOTED THAT, DURING THE NINTH PARTY CONGRESS, THE COMMUNIST PARTY OF VIETNAM HAD REMOVED OFFICIALS WHO HAD NOT DEALT EFFECTIVELY WITH PROBLEMS IN MINORITY AREAS AND THAT A RECENTLY HELD REGIONAL SESSION IN THE HIGHLANDS HAD BEEN FOCUSED ON THE DEVELOPMENT NEEDS.

¶16. ASKED TO COMMENT ON A RECENT HUMAN RIGHTS WATCH PRESS RELEASE ON THE SITUATION IN THE CENTRAL HIGHLANDS, ASSADI SAID THE ONE NEW ELEMENT IN THE STATEMENT WAS A CALL ON UNHCR TO END SCREENING OUT APPLICANTS. ASSADI REPEATED THAT UNHCR WAS EMPLOYING A VERY LOW THRESHOLD IN SCREENING FOR PERSONS OF CONCERN AND FOR REFUGEES. THAT SAID, HE EMPHASIZED THAT THE CREDIBILITY OF THE SCREENING PROCESS REQUIRED THAT THE PROCESS NOT BE WIDE OPEN. UNHCR HAS NO INFORMATION THAT SCREENED-OUT INDIVIDUALS FACE PROBLEMS UPON RETURN TO VIETNAM. THE AGENCY WOULD CONSIDER CAREFULLY ANY SUCH EVIDENCE AND QUICKLY ADJUST ITS PROCEDURES IF

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WARRANTED, ASSADI CONCLUDED. BASED ON REFTEL HE APPEARS TO HAVE OPTED TO STOP THE SCREENING PROCESS UNTIL THE OPTIONS ARE MORE CLEAR ON WHAT RETURN TO VIETNAM IS LIKELY TO MEAN.

HARTER

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